



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
REAL ESTATE APPRAISER COMMISSION
500 JAMES ROBERTSON PARKWAY, SUITE 620
NASHVILLE, TENNESSEE 37243
615-741-1831**

**October 8, 2007
Room 640, Davy Crockett Tower**

The Tennessee Real Estate Appraiser Commission met October 8, 2007, at 1:05 p.m. in Nashville, Tennessee, at the Davy Crockett Tower in Room 640. Chairman William R. Flowers, Jr. called the meeting to order, and the following business was transacted.

COMMISSION MEMBERS PRESENT

Dr. Edward A. Baryl
Marc Headden
William R. Flowers, Jr.
James E. Wade, Jr.
John Bullington
Kenneth Woodford

COMMISSION MEMBERS ABSENT

Jason West
Herbert Eugene Phillips

STAFF MEMBERS PRESENT

Nikole Avers, Administrative Director
Bethany Heuer, Staff Attorney
Angie Smith, Administrative Assistant

ADOPT AGENDA

The commission voted to adopt the agenda. Mr. Headden made the motion to accept the agenda and it was seconded by Mr. Woodford. Motion carried unopposed.

MINUTES

The September 2007 minutes were reviewed. Mr. Bullington made the motion to accept the minutes as written. It was seconded by Mr. Wade. Motion carried unopposed.

EXPERIENCE INTERVIEWS

Richard Green, made application to upgrade from registered trainee to certified general appraiser. Mr. Headden was the reviewer and recommended approval. Mr. Woodford made the motion to accept the recommendation and Mr. Wade seconded the motion. The motion carried unopposed.

Stanley Shelton, made application to upgrade from certified residential to certified general appraiser. Mr. Headden was the reviewer and recommended approval. Mr. Woodford made the motion to accept the recommendation and Mr. Wade seconded the motion. The motion carried unopposed.

Candace Shields, made application to become certified residential appraiser as an out of state applicant. Mr. Flowers was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Dr. Barylal seconded the motion. The motion carried unopposed.

Michael Wilson, made application to upgrade from a registered trainee to a certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Dr. Barylal seconded the motion. The motion carried unopposed.

Shannon Beech, made application to upgrade from registered trainee to certified residential appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Dr. Barylal seconded the motion. The motion carried unopposed.

Morgan Smith, made application to upgrade from registered trainee to licensed real estate appraiser. Mr. Flowers was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Dr. Barylal seconded the motion. The motion carried unopposed.

Lisa Welch, made application to upgrade from registered trainee to licensed real estate appraiser. Mr. Wade was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Colleen Wallace, made application to become licensed real estate appraiser as an out of state applicant. Mr. Wade was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Angela House, made application to upgrade from registered trainee to certified residential appraiser. Mr. Wade was the reviewer and recommended approval. Mr. Headden made the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Mark Timothy Shoemaker, made application to become licensed real estate appraiser as an out of state applicant. Mr. Wade was the reviewer and recommended approval. Mr. Headden made

the motion to accept the recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

Harold Gilbert King attended a five hundred hour (500) experience interview. Mr. Woodford was the reviewer and stated it went very well.

Mark Abbotoy, made application to upgrade from registered trainee to certified residential appraiser. Mr. Woodford was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Mr. Wade seconded the motion. The motion carried unopposed.

Adrian Hale, made application to upgrade from registered trainee to licensed real estate appraiser. Mr. Woodford was the reviewer and recommended approval. Mr. Bullington made the motion to accept the recommendation and Mr. Wade seconded the motion. The motion carried unopposed.

Mr. Bullington stated he would like on the record that the majority of registered trainees applying for certified residential are incapable of determining income analysis, many have no understanding of income producing properties which he felt was cause for concern.

Lisa Kroth, made application to become certified residential appraiser as an out of state applicant. Mr. Bullington was the reviewer and recommended defer approval of the application pending completion of a thirty hour (30) income capitalization course with exam within six months (6) from date of application submitted. Mr. Wade made the motion to accept the recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

Janet Jansen, made application to become certified residential as an out of state applicant. Mr. Bullington was the reviewer and recommended approval. Mr. Wade made the motion to accept the recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

Jennifer Hand, made application to upgrade from registered trainee to certified residential appraiser. Mr. Bullington was the reviewer and recommended approval. Mr. Wade made the motion to accept the recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

Callen Martin, made application to upgrade from registered trainee to certified general appraiser. Mr. Bullington was the reviewer and stated she was very impressive and had a good working knowledge of capitalization rates and recommended approval. Mr. Wade made the motion to accept the recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

Benjamin Kromer, made application to upgrade from registered trainee to certified general appraiser. Mr. Bullington was the reviewer and stated he had a good working knowledge of appraisal procedures and recommended approval. Mr. Wade made the motion to accept the recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

EDUCATION COMMITTEE REPORT

Ms. Avers read and discussed a letter submitted by course provider The Columbia Institute concerning distant education for qualifying education. Dr. Baryla stated he felt we should keep an open mind and investigate the possibilities in the future. Ms. Avers stated we would have to have a Rule making hearing to change the current requirement that qualifying courses could not be taken through distance education.

Dr. Edward Baryla made recommendation to approve the Education Report as submitted by staff, with the exception of course provider IAAO for approval pending submission of instructor resume which was absent from their application. Dr. Baryla made recommendation to approve the individual course approval submitted by staff. Mr. Headden made the motion to approve the education report as recommended by Dr. Baryla. Mr. Wade seconded that motion. The motion carried unopposed. The following are the courses and individual approvals from the education report:

EDUCATION COMMITTEE REPORT October 8, 2007

Course Provider	Course Number	Course Name	Instructors	Credit Hours	Credit Type
IAAO	1129	Fundamentals of Real Property Appraisal	William Gibbs	30	QE/CE
IAAO	1128	Income Approach to Valuation	William Gibbs	30	QE/CE

Individual Course Approval

Name	Course Provider	Course Name	Credit Hours	Credit Type
Shea Riley, Jr.	Appraisal Institute	Review of Economic Principles	7	CE
		Review of Appraisal Concepts	7	CE
Edward Adkins	KY Real Estate Appraisers Board	KREB Updates	7	CE
George Long	Appraisal Institute	Feasibility Market Value, Investment Timing: Option Value	7	CE
		(On-line course is approved)		
Bradley Faucett	The Real Estate Information Management School	Residential Site Value & the Cost Approach to Value	15	QE

Instructors Only Approval

Name	Course Provider	Course Name	Credit Hours	Credit Type
Roy Bottger	Allied Business	7 Hour USPAP Update	7	CE

GENERAL BUSINESS

Jennifer Teeple, made application to upgrade from registered trainee to certified residential appraiser during the September 2007 meeting. Mr. Flowers was the reviewer and stated that her appraisals were not USPAP compliant because she was only identified as having contributed significant appraisal assistance in the letter of transmittal and not in the appraisal report. Mr. Flowers recommended at that time that she complete an additional 500 hours of experience and it be made known to the supervisor that the trainee would have to be identified in the certification and appraisal report or that she would have to sign these appraisal reports. Ms. Teeple attended the October Commission meeting to appeal the prior decision of the Commission. Mr. Flowers asked Ms. Avers about the letter from John Brennan of the Appraisal Foundation Standards dated September 9, 2007 at 7:13 P.M. which stated that standard Rule 2-3 requires the name of anyone providing significant real property appraisal assistance to appear in the certification; there is no exception to the this rule. SR 2-3 does not require that the tasks performed be identified in the certification but that it must be in the appraisal report. He further stated that nothing in USPAP stated that a letter of transmittal cannot be considered part of the appraisal report. Mr. Flowers asked if we do what you're suggesting that we do here, when we get audited how are we going to explain what Mr. Brennan has stated in this letter that there is no exception. Ms. Avers stated that she has not told the Commission how to vote on in this matter and the decision of compliancy of the appraisals is up to the Commission Members. Ms. Avers stated, "I have only presented the information. I have not reviewed Ms. Teeple's appraisals reports. I don't know where she was identified or how she was identified. You have to determine whether she is USPAP compliant or not and if you determine Ms. Teeple's appraisals are USPAP compliant then the Appraisal Subcommittee has said that is good enough for them." Mr. Murray Huber, Ms. Teeple's sponsor, asked to speak with the Commission. Mr. Huber stated that Mr. Brennan has recanted his statement. Ms. Avers stated she did not include that email. Ms. Avers stated at first Mr. Brennan it has to be identified in the certification and the letter of transmittal is not part of the appraisal report and then he came back and said the letter of transmittal could be considered part of the appraisal report and that was the only part he recanted. Mr. Flowers stated he wanted to know where Mr. Brennan recanted where he states standard rule 2-3 does not require that. Ms. Avers stated Mr. Brennan never said that standard rule 2-3 doesn't require it to be in the certification. Ms. Avers stated the part he changed was that initially he said that the letter of transmittal is not considered part of the appraisal report and that he revised that opinion; because, although not identified in USPAP as part of the appraisal report, there is nothing that says it could not be part of the appraisal report. For example, maps are not identified in USPAP but can still be part of the appraisal report. Mr. Flowers stated that it does say identifying persons providing significant assistance is required. Ms. Avers stated, "Yes, I'm not arguing with you in the least". Mr. Huber stated we have had conversations with Danny Wiley who was the chair of the AQB for three years. Mr. Huber stated he had a conversation with the current chair and that the information we received

back was that maybe Mr. Brennan may have misstated the question posed to him. Mr. Huber stated it was our understanding that he was going to recant it to you (the Commission). Ms. Avers stated that he recanted the specific part regarding the letter of transmittal. Mr. Huber said, "Our letter of transmittal has been in every single report since I have been an appraiser; it is part of the report. We just want to make sure you have information that shows that no where in USPAP does it say letter of transmittal is not part of an appraisal report." Mr. Huber stated the letter of transmittal is in every single report and recognizes the trainee has participated and to what degree. Mr. Flowers stated, "I understand and don't have a problem with it. It doesn't make me any difference; we just don't want to be here in November issuing a license and then having the license pulled by the ASC. This email came to me and it is required, and I want something from him stating it is not required. To me it's black and white." Mr. Wade stated there has been a letter of transmittal in every report indicating she has provided over fifty percent of the work for each report. Mr. Flowers stated there was never anything wrong with the reports. Mr. Headden asked, "Ms. Teeple have you signed any of the reports?" Ms. Teeple answered, "No, sir." Mr. Huber stated, "It is our company policy that a supervising appraiser inspects the property every time. Also, this is based on our client requirement that trainees not sign the appraisal reports. Every property she has been to I have been there also. Most of our lending clients do not want trainee's signing our appraisal reports. I am the designated company owner and the lead appraiser so I am signing as the appraiser, but we are giving her the full credit for creating the report." Mr. Woodford asked, "How many appraisals have you made? How many years have you done this?" Ms. Teeple replied, "About two and half years". Mr. Headden asked, "How many appraisals have you done?" Ms. Teeple replied, "Around two hundred." Then Mr. Headden asked, "Have you inspected a residence by yourself?" Ms. Teeple stated she had not. Mr. Huber stated again it is against their company policy to let a trainee inspect properties on their own. Mr. Woodford asked, "When you go to inspect a residence what, typically, do you do?" Ms. Teeple stated, "...measure, walk through take notes and Mr. Huber walks through and makes mental notes." Mr. Woodford asked, "But do you draw the sketch and make notes and look up the comps and make the adjustments...prepare the appraisal?" Ms. Teeple replied, "Yes; and then he reviews it and signs it or makes changes if needed." Mr. Woodford stated, "Most sponsors put the trainee as appraiser and then the supervisor signs as supervisor and you wouldn't have this dilemma." Mr. Huber stated that he has had many trainees and never has this been brought up before the Commission but, "we are certainly willing to change. We have never been confronted with this issue before. Our company policy has been in place since 1991." Mr. Wade asked Ms. Avers or Ms. Heuer, "Is there anything that you know that would be in conflict with the Federal guidelines or the Foundation? Would this information, in your opinion, that John Brennan has provided, allow us to not be criticized in any form or fashion if they came back and reviewed us on this call on this particular situation?" Ms. Avers stated the only problem that she saw from this discussion is that she wasn't identified as contributing significant assistance in the certification. She said, "Now whether or not the letter of transmittal can be considered as the addendum to the certification, I don't know. I don't want to render an opinion on this. This would be for the Commission Members to determine." Mr. Headden stated he personally felt that the Commission had enough documentation with what the applicants have brought in and the letter, from John Brennan, that this is okay and will be in compliance. "Am I wrong in that thinking if we put all this documentation in this file, what more are we supposed to do?" said Mr. Flowers. Mr. Flowers then gave Mr. Huber some history on past events that have caused this issue to be presented. "The month before we had a situation where a trainee had come in with appraisals that had no signature and no identification in the transmittal letters nor in the certification. So, the question had to be, "Did you do any of the work?" So the red

flag went up and that's why we are where we are. When she came in, she wasn't mentioned in the appraisal. Of course, you don't pay much attention to the transmittal letter when you are looking at the work because the transmittal letter is really not part of the work when you are reviewing." Ms. Teeple had pointed out her name was in the transmittal letter. Mr. Flowers said, "I was already at the back of the report when that happened and it was already in mind and we had already had the same situation prior meeting." Mr. Wade in continuing reading page 1 of 3 of the email to Nikole Avers from John Brennan it goes on to say, "although USPAP does not require letter of transmittal there is nothing in USPAP to suggest that a letter of transmittal is not part of the report. As a result I think that it could be successfully argued that describing the task performed in the letter of transmittal would satisfy USPAP however, care should be taken to ensure that the letter of transmittal was originally as part of the appraisal report submitted to the client." "Does that not satisfy or cover us?" Mr. Wade asked. Ms. Heuer stated, "The only gap in this paragraph in the letter from John Brennan "as a result I think that it could be successfully argued that describing the task performed in the letter of transmittal would satisfy USPAP" to me it looks like he is saying that would satisfy USPAP standard 2-2 not standard 2-3, but I don't know." Ms. Avers stated 2-3 is on the certification 2-2 is on reporting requirements. Mr. Huber asked if he could make one more statement, "If you look on the sample the certification page item number 19 references on the appraisal it makes a reference to other parties participating on a completion of an assignment. Appraisers that are residential appraisers know that we have a conflict with Fannie Mae on this. Fannie Mae specifically states in any URAR form we do not want appraisers to alter or manipulate their certification under any circumstances they are very clear on this. So, in order for us to get around that we have to find some sort of addendum to that complies; we added the sample. I don't think Fannie Mae will have a problem with this, and hopefully you all will not. It's just another way to indicate something in the certification by name. It does state on 19 that someone has participated but it is not by name you can't manipulate that software or that form." Mr. Woodford asked why not let the trainee sign as the appraiser and the supervisor sign as supervisor? Mr. Huber stated, "Well, you're asking a specific question I will give you a specific answer. This is a real world answer. I have a lot of banking and lending clients that will not allow that." Mr. Woodford replied, "So, essentially you're doing the same work the trainee is doing and you're submitting to the client as if you did the work and the trainee is hidden from the certificate." Mr. Huber responded, "The client issue is the signature as an appraiser. If you look at the Fannie Mae form it doesn't say anything about trainee, it says appraiser and the trainee's name would be under that title. I don't have a problem with that and we can change, but we have had really good success in front of this Board and with our clients and tried to conform to these guidelines. Our clients seem to appreciate that I go out with on every inspection with my trainee's. I know a lot of (supervisors) tend not to do that, but I go out for that very reason, to protect our clients. All the trainees that I have trained over the years, that is the way it has been and it has went very well." Mr. Woodford asked, "How many trainees do you have at this time?" Mr. Huber stated he currently had 2 trainees. Mr. Woodford asked, "During the years of Ms. Teeple's experience have you had just this one trainee?" Mr. Huber stated it was usually one or two, at the most, and his partner had one or two on the commercial side. Mr. Headden stated to Mr. Huber, "You can both sign on that same line that says appraiser. I have done that before for a lot of companies that require you can each sign on that one side. You don't necessarily have to go to supervisor's side and put your name. Your trainees name can be on the same side." Ms. Avers stated that USPAP doesn't require that those who provide significant assistance sign (the appraisal) that they just have to be identified in the certification and Fannie Mae does allow an addendum to their certification as long as it does not detract from the content of the certification. She said, "As long as (the addendum) is

only added as additional information it is okay. You can't take away certifications, but you can provide additional information to it as long as doesn't detract from the intent of the certification. You can put an addendum page near or behind the certification page or you can reference it somewhere in the report this certification is to be added to the certification on page 6; something like that." Mr. Headden stated, "I would like to make a motion that we approve this trainee's experience hours and I would also like to put in this motion that we put in this discussion and all the information from the correspondence that we had in the minutes. I don't believe this Board can be asked anything more than that." Mr. Flowers stated he wanted to turn the chair over to Commissioner Wade. This was done and he then stated, "First, I would like to say I have reviewed the applicant's work and I have found it to be exceptionally good and honest work and I would like to recommend her to be moved to her next level." Mr. Headden stated, "That is what my motion is going for and I accept his recommendation." Ms. Avers asked, "Is that for certified residential?" Mr. Headden asked, "Is that what she applied for? Ms. Teeple?" Ms. Teeple said yes. Mr. Headden makes the motion to approve the experience of Ms. Teeple for certified residential. It was seconded by Mr. Woodford. Mr. Wade asked if there was any further discussion. Mr. Woodford stated that he would like to amend the motion and, "Robert's rule of order, if that is proper. I would like the Commission to include in the next newsletter to some kind of paragraph addressing this situation and essentially reinforcing that this needs to be done." Mr. Bullington asked if that was part of the motion. Mr. Woodford stated yes. Mr. Woodford stated, "We can make another motion." Mr. Headden said, "I would prefer that not be in the motion." Mr. Bullington asked, "Do we have motion and the second on the floor? Then let's discuss that motion." Mr. Headden made the motion to approve Ms. Teeple experience hours and move her to certified residential and provide all the discussions and emails about this case in the minutes and to approve. Mr. Woodford seconded the motion. Mr. Headden stated, "And that would be the way I preferred that motion to stand." Mr. Wade asked if there are any discussions and there being no discussion it was called to a vote. The motion was approved unanimously.

Jeffrey Upton submitted a temporary practice application and had checked yes to the character question 2 on the application. Mr. Upton has an Ohio certified general appraiser license and a complaint was filed with the Ohio Real Estate Appraiser Board. The complaint alleged of USPAP violations of Standard Rules 1-1, 1-3, 2-1 and 2-2 for seven (7) properties in Toledo, Ohio. In resolution of the complaint the Ohio Real Estate Appraiser Board issued a civil penalty for five hundred dollars with an allotted time period for payment or automatic suspension. Mr. Upton submitted proof of paying the civil penalty. Mr. Bullington made the motion to approve Mr. Upton's temporary practice permit. Mr. Headden wants to know reasoning why. Mr. Bullington stated the complaint was filed because of personality conflicts. Mr. Headden states certified general should comply with USPAP. Mr. Bullington made the motion to recommend issuance of temporary practice permit. Mr. Woodford seconded the motion. A roll call vote was taken Mr. Wade voted no. The motion carried.

Jacob David Seipel, made application for a reciprocal license for certified residential. Mr. Seipel had checked yes to character question 3 on the application. Mr. Seipel had been convicted of a felony for domestic assault and has completed a domestic violence group course, "Creating a Process of Change for Men", on July 30, 2001. Mr. Headden stated he felt the Commission should be consistent with past decisions. Mr. Headden made the motion to deny license based on failure of the applicant to attend the meeting. Mr. Wade seconded the motion. The motion carried unopposed.

LEGAL REPORT

The following Final Order and two Agreed Orders were presented to the Commission for consideration of approval.

The **James Passons** Final Order has been drafted and requires the Chairman's signature and subsequent filing by legal to become final. The Order states that Respondent will be **DOWNGRADED from a certified general appraiser to a certified residential appraiser**, that he will complete a 15 hour USPAP course, and will pay **\$12,000.00** in civil penalties. Respondent will not be allowed to re-apply for CG status for at least 24 months and would have to present a new experience log, course log and pass the new exam for certified general.

Vote: Mr. Headden made the motion to accept the final order being signed by Mr. Chairman and Mr. Bullington seconded the motion. The motion carried unopposed.

Michael Hooks, Sr. has signed an Agreed Order agreeing to **SURRENDER** his certified residential real estate appraiser certification and admitting that he was convicted of a felony after pleading guilty to charges that he accepted approximately \$20,000.00 in bribe money from an undercover FBI agent involved in the E-Cycle sting.

Vote: Mr. Headden made the motion to accept the agreed ordered being signed by Mr. Chairman and Mr. Woodford seconded the motion. The motion carried unopposed. Mr. Bullington recused from the vote.

William Chandler has signed an Agreed Order regarding a residential appraisal that he prepared, admitting that he failed to disclose a potential future interest in the subject property, that he inadequately described the deferred maintenance, and that he thereafter purchased the home. Respondent admits he violated USPAP Rule 1-2, 1-1, 2-2, 2-3 and the Ethics Rule, Conduct Section. Respondent agreed to a civil penalty of **\$4,000.00**.

Vote: Mr. Bullington made the motion to accept the Consent Order and Dr. Baryla seconded the motion. The motion carried unopposed. Mr. Headden recused from vote.

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1. **L07-APP-RBS-2007076611 Mr. Phillips was the reviewer.**

The Complainant, a consumer, alleged the Respondent under-valued his residential property. He stated before improvements to the house were completed the house appraised at \$208,000 and after \$44,000 in materials costs were added to the house he decided to refinance again. He stated that the Respondents repeatedly set and canceled appointments, delaying the process by approximately two months and then the value opinion came in very low. The Complainant stated that the lender placed several calls to the Respondent for clarification on the appraisal, but the Respondent never returned their calls. Due to the delay and the low value opinion, the Complainant's loan was denied.

The Respondent stated in her response letter that she inspected every room of the house and even has detailed sketches of the floor layout that include the closets. She stated that she believes she used the best comparables available that represent the characteristics of the subject property. She stated she received the order from the lender in mid-February, but it was subsequently put on hold. She stated that the borrower cancelled the first appointment when she would not guarantee a specific value amount. She stated the second appointment was cancelled by her due to unforeseen circumstances. She stated she inspected the property a month and a half after the initial order was placed and she was on site for approximately 40 minutes. She stated if the loan was declined due to delays it was the fault of the loan officer putting it on hold and the cancellation by the Complainant. She stated the estimate of value is reasonable and accurate. She stated Respondent 2, her trainee, did not inspect the subject property at any time. Respondent 3, also a trainee, is reported in the appraisal to have contributed significant appraisal assistance. *No prior complaint history for any of these three Respondents.*

Recommendation and reasoning: Mr. Phillips review concluded that Respondent 1 made an adequate inspection of the subject property because information in the appraisal included a detailed building sketch and a list of upgrades and remodeling. He stated further that the subject property is located in a semi-rural area and he believed the Respondent made appropriate decisions in selecting the comparables and even reviewed comparables submitted by the Complainant for inclusion in the report (1 of 13 was used). His review concluded that the value opinion appeared supported within the report and he found no substantial USPAP violations. He stated that Respondents 2 and 3 did not appear to have provided assistance in the appraisal report. Mr. Phillips recommended **dismissal** of this complaint.

Vote: Mr. Wade made the motion to accept recommendation and Mr. Bullington seconded the motion. The motion carried unopposed.

2. L07-APP-RBS-2006040861 - The reviewer was Mr. Wade.

The respondent collected a fee for an appraisal she has never delivered. Respondent has failed to provide requested appraisals to the TREAC staff as well. Appraisals were first requested in October of 2006. An informal conference was held in March of 2007 after repeated requests for the appraisals named in the complaint. To this date no appraisals have been submitted by the Respondent. The Respondent's license expired on March 31, 2007. The six month grace period for renewal has passed for this licensee. In order to become licensed or certified this individual would now have to re-apply as a trainee and complete all requirements for licensure or certification. *No prior complaint history.*

Recommendation and reasoning: Staff recommends **closing** this complaint due to the applicant no longer having certification in Tennessee as a Real Estate Appraiser. It is recommended further that her file be flagged (and Respondent be notified by admin. staff) that should she re-apply with the Commission in the future, this complaint will be re-opened upon approval by the Commission.

Vote: Mr. Bullington made the motion to accept recommendation and Mr. Headden seconded the motion. The motion carried unopposed.

3. L07-APP-RBS-2007078021 - The reviewer was Mr. Wade.

The Complainant, a consumer, alleged the Respondent inspected the property, received and cashed their check for the inspection fee, but the appraisal report was never delivered and the appraiser will not return their phone calls.

The Respondent stated in his response letter that he prepared an appraisal regarding property located in Virginia for a mortgage company. He stated he inspected the property on 8/17/2007. Respondent states he completed the report on 9/10/2007 and that the mortgage company has the appraisal. He further stated that this is a rural part of Virginia; it's close to the Kentucky and Tennessee State Lines, the appraisal took longer than normal due to the lack of sales, and finding sales through court house records, local real estate offices. He reported that this area is not well covered by any local MLS and that the normal process of verification needed to be completed. He stated keeping closer contact with the client would have negated this problem. *No prior complaint history.*

Recommendation and reasoning: The appraisal is of a property located in Virginia, and therefore the TREAC does not have jurisdiction in this case. Mr. Wade recommended that this complaint be **dismissed** by the TREAC.

Vote: Mr. Headden made the motion to accept recommendation and Mr. Woodford seconded the motion. The motion carried unopposed.

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Mr. Headden asked if the date had been set for the November meeting. Ms. Avers stated tentatively November 19th & 20th.

Being no further business, the meeting was adjourned at 2:15 p.m.

Nikole Avers, Administrative Director

William R. Flowers, Jr., Chairman